

Practitioner's Docket No. CHOND.65023

PATENT

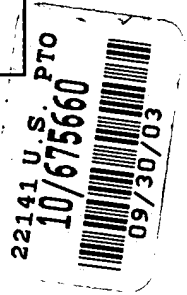
Preliminary Classification:

Proposed Class:

Subclass:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450



NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Harold Aberman, Timothy Simon and Douglas Jackson

For (title): CARTILAGE REPAIR PLUG

1. Type of Application

This application is for a divisional of copending U.S. Application No. 09/525,437 filed 03/14/00.

2. Benefit of Prior U.S. Application (35 U.S.C. § 119(e), 120, or 121)

The new application being transmitted claims the benefit of prior U.S. application. Enclosed are  
ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR  
U.S. APPLICATION IS CLAIMED.

EXPRESS MAILING UNDER 37 C.F.R. § 1.10\*

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(Express Mail certification is optional)


I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date, September 30, 2003, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee" Mailing Label No. EV 320199460 US.

GUNTHER O. HANKE

Type or print name of person mailing paper

Date:

9/30/03

  
Signature of person certifying

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

### 3. Papers Enclosed

- A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application

42 Page(s) of Specification  
5 Page(s) of Claims  
8 Sheet(s) of Drawing(s)--Formal

- B. Other Papers Enclosed

3 Page(s) of declaration and power of attorney  
1 Page(s) of abstract

### 4. Additional Papers Enclosed

Preliminary Amendment

Information Disclosure Statement (37 C.F.R. § 1.98)

### 5. Declaration or Oath

Enclosed

Executed by: Harold Aberman, Timothy Simon and Douglas Jackson.

### 6. Inventorship Statement

The inventorship for all the claims in this application is the same.

### 7. Language

English

### 8. Assignment

An assignment of the invention to ChondoSite, LLC is attached.

### 9. Fee Calculation (37 C.F.R. § 1.16)

Regular Application, Small Entity

CLAIMS AS FILED									
Number Filed		Number Extra		Rate		Basic Fee 37 C.F.R. § 1.16(a) \$375.00			
Total Claims (37 C.F.R. §	14	-	20	=	0	x	\$	9.00	= \$ 0.00

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1.16(c))

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Independent  
Claims (37 C.F.R §  
1.16(b))

1 - 3 = 0 x \$ 42.00 = \$ 0.00

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Multiple Dependent Claim(s),  
if any (37 C.F.R § 1.16(d))

\$ 140.00 \$ 0.00

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Amendment cancelling extra claims is enclosed.

Small Entity Filing Fee Calculation

\$375.00

**10. Fee Payment Being Made at This Time**

Enclosed

Filing Fee

\$375.00

**Total Fees Enclosed**

**\$375.00**

**11. Method of Payment of Fees**

Attached is a check in the amount of \$375.00.

Charge any additional fees required by this filing or credit any overpayment to our Deposit Account No. 21-0800.

**12. Instructions as to Overpayment**

Credit Account No. 21-0800.

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S.  
APPLICATION IS CLAIMED  
(37 C.F.R. § 1.78)**

**13. Relate Back**

Amend the specification by inserting, before the first line following the title, the following sentence:

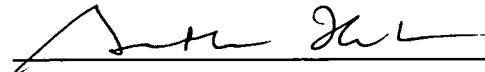
**A. 35 U.S.C. Sections 120, 121 and 365(c)**

"This application is a divisional of copending Application Number 09/525,437 filed on March 14, 2000."

**14. Further Inventorship Statement Where Benefit of Prior Application(s) is/are Claimed**

- (a) This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventors in this application are the same.

Date: 9/30/03



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